



Doc 1040 p 17-24, there was intense planning for this event, including a document "Operation Unite the Right Charlottesville 2.0", use of Discord servers like the Southern Front, and plans for the manufacture and deployment of shields and clubs as well as training in their use. What is notable about all of this preparation is that none of it included Christopher Cantwell. Similarly, when Fields appeared at the August 12, 2017, event in a Vanguard America ("VA") uniform, carrying a VA shield, and, marching with a group that included the Nationalist Front ("NF"), the Traditionalist Workers Party ("TWP"), the National Socialist Movement ("NSM"), and, several of the sanctioned defendants who were members of those organizations, Cantwell was not there. Doc 1040 p 30-37. And, in fact, none of the Defendants with whom Cantwell is alleged to have conspired, including Kline, Ray, and, Kessler, were there either; Heimbach, in fact, has testified that the plans for that day were kept separate from Kessler's. Doc 1006-2 p 102. Thus, given the dearth of factual foundation for any connection between Fields and Cantwell, or, between Cantwell and the joking talk of running people over that apparently occurred on some Discord server, Cantwell is especially sensitive to any adverse finding of facts that could wrongfully link him to the car accident that killed Heather Heyer and injured other members, supporters, and, associates of the Antifa domestic terror organization.

- 3) As this Court has noted, a finding of "bad faith" is required to impose the kind of evidentiary sanctions suggested by the Plaintiffs here, and; that defendants situated such as Cantwell must be protected from "spillover" effects from the bad faith conduct of other defendants. Doc 982 p 21-22; Sines v Kessler 2020 US Dist LEXIS 223168 (WD Va 2020) LEXIS p 50.

4:) Generally, for the court to deem a fact established, there ought to be some evidence to support that fact, and the fact established should be clear and concise. Neither appears to be the case for facts #42 and #47.

5) As in other response motions and objections regarding sanctions against Defendants, any allegation regarding agreements or foreseeable actions of co-conspirators should specifically exclude Cantwell. Such as by appending "agreement with one or more coconspirators who were not Christopher Cantwell". Or, "The inference may be drawn that these co-conspirators were (sanctioned or defaulted defendants) but not Cantwell.

6) Any allegation regarding "racial minorities, Jewish people, and, their supporters" should be amended to "Negroes (or appropriate modern terminology therefor) and Republicans" as argued in a prior motion in limine.

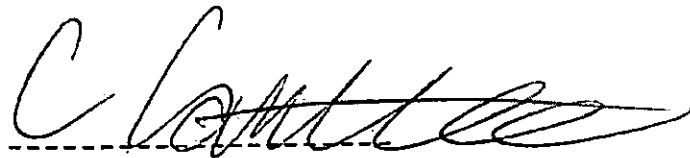
Respectfully Submitted

  
Christopher Cantwell

CERTIFICATE OF SERVICE

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I hereby certify that this Response to the Motion to Sanction James Fields was mailed to the Clerk of the Court, 1st Class Postage Prepaid, for posting to the ECF system to which all other parties are subscribed, and that it was handed to USP Marion Staff Kathy Hill or Nathan Simpkins for electronic filing pursuant to the Court's prior order.

  
Christopher Cantwell